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ABSTRACT

The validity of the U.S. Supreme Court's assertion that faculty members performed certain tasks that made them managers in the case of "National Labor Relations Board v. Yeshiva University" was examined. The following concerns were addressed: whether faculty authority varies between Liberal Arts I and Liberal Arts II colleges, as defined by the Carnegie classification; and whether the perception of faculty authority varies depending on the position the observer holds. The survey instrument, which is appended, was based on the 1969-1970 study conducted by a Committee of the American Association of University Professors. Of 955 questionnaires mailed to staff at 75 Liberal Arts I and 75 Liberal Arts II colleges, 478 usable responses were received from board chairpersons, presidents, chief academic officers, deans, and department chairpersons. The findings confirm the validity of the court decision. The legal standard for determining whether staff members are managers is that they make or effectively recommend policy in certain areas. Faculty members were found to made decisions. Also found were formal mechanisms to elicit faculty opinion and a requirement that administration and faculty concur on decisions. Perceptions of faculty authority varied among the two types of colleges and among the different staff surveyed. (SW)

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PRIVATE COLLEGE FACULTY AS MANAGERS:

AN EMPIRICAL TEST UNDER YESHIVA

Nancy S. Nash
December 16, 1985

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This paper was presented at the Annual Meeting of the Association for the Study of Higher Education held at the Gunter Hotel in San Antonio, Texas, February 20-23, 1986. This paper was reviewed by ASHE and was judged to be of high quality and of interest to others concerned with the research of higher education. It has therefore been selected to be included in the ERIC collection of ASHE conference papers.

Introduction

In 1980, the United States Supreme Court handed down a controversial decision in the case of National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980). The merits of this decision are still being debated. Briefly, the Supreme Court held that faculty members at Yeshiva University, which it described as a "mature" university, were managers as judicially defined in a series of cases construing the National Labor Relations Act (NLRA). Therefore, the faculty was not entitled to compel Yeshiva University to bargain with it. This case has the potential of limiting faculty collective bargaining. Following this precedent, the National Labor Relations Board (Board) has ruled that faculty in some institutions are managers and cannot bargain, although faculty in other institutions have been held not to be managers.

The NLRA is the act which gives to workers the right to form unions and compels employers to bargain collectively with them. It establishes the National Labor Relations Board (Board) to administer the act, subject, of course, to review in the federal courts.

Initially, the Board refused to assert jurisdiction over private colleges, on the theory that they did not significantly affect interstate commerce. In 1970, however, it reversed itself at the request of Cornell University, 183 N.L.R.B. 329 (1970). The NLRA is limited to private employers, leaving the issue of public employee collective bargaining to the states. Many states have passed public employee bargaining laws. In 1969, the faculty members at the City University of New York formed a union under the provisions of New York's Taylor Act. Faculty bargaining in both the public and private sectors of higher education, therefore, began at about the same time.

Although there was debate over the wisdom of faculty collective bargaining, it was generally conceded in the 1970's that faculty members were entitled to bargain. Several colleges, however, challenged the entire concept of faculty collective bargaining before the National Labor Relations Board, C. W. Post Center, 189 N.L.R.B. 904 (1971); Fordham University, 193 N.L.R.B. 134 (1971). Their argument was that faculty members were either supervisors, those who "use independent judgment in overseeing other employees in the interest of the employer" Yeshiva, supra, or managers, "who are involved in developing and enforcing employer policy" Yeshiva, supra. The Board concluded that facul-

ty members were not managers, and promulgated a three-part test which it used to decide faculty cases. The Board asserted that faculty members were not managers because: 1) any managerial decisions they might make were made collectively, not individually; 2) any managerial decisions faculty members might make were made in their own interest and not in the interest of the institution; and 3) the Board of Trustees and not the faculty, had the ultimate authority.

The Yeshiva Decision

Before discussing the research problem a brief discussion of the Yeshiva case itself is necessary. Although the implications for higher education go beyond this case, some background is necessary to elucidate the later discussion.

The Yeshiva case arose when the administration at Yeshiva University challenged the faculty's right to bargain, on the grounds stated above and, as usual, lost before the National Labor Relations Board. The Board decided the case using its standard three-point test. Faculty members were not managers because: 1) they acted collectively, not individually; 2) they did not act in the interest of the employer; and 3) they did not have the ultimate authority. Yeshiva University appealed the case to the Second Circuit Court of Appeals.

The Second Circuit agreed with Yeshiva, and overturned the Board's decision. The Board appealed to the Supreme Court. The Board abandoned the first and third points of its three-point test on appeal to the Supreme Court, acknowledging that they were inconsistent with previous Court decisions.

The Supreme Court agreed with the Second Circuit that the faculty members at Yeshiva University were managerial employees and therefore not entitled to bargain with the administration. Specifically, the Court found that the faculty either decided or effectively recommended decisions in the following areas:

1) Admission and matriculation standards
2) Degree requirements
3) Curriculum
4) Student expulsion policies
5) Grading system
6) Faculty personnel issues; i.e., hiring, tenure, sabbaticals, terminations, and promotions
7) Academic calendars and course schedules
8) Teaching loads
9) Tuition and enrollment levels

The Court stated "the faculty of Yeshiva University exercise authority which in any other context unquestionably would be managerial." Because the Court held that faculty members were managers, it did not decide the supervisor issue.

The decision applies directly to Yeshiva, of course, and by the doctrine of stare decisis to those private universities whose faculty have the same

authority as the Yeshiva faculty. State labor relations boards and courts are free to adopt the Supreme Court reasoning, unless the state statute expressly covers faculty members, but need not.

There are essentially two issues which arise out of this case, one legal and one factual. The first issue concerns the legal definition of manager, as used by the National Labor Relations Board and the courts in the context of the National Labor Relations Act, as it applies to faculty. To a large extent, the Supreme Court answered that question in its list of faculty functions that led to its decision that the Yeshiva faculty were managers. The second issue is whether faculty members actually do perform those functions which the Supreme Court says make one a manager. It is this second issue which this research was designed to test.

Faculty Members as Managers

The research was designed to assess the validity of the Supreme Court's assertion that faculty members performed certain managerial tasks. It was postulated that this answer might vary among colleges, and among faculty members.

The colleges chosen were Liberal Arts I and Liberal Arts II, as defined by the Carnegie Council on Policy Studies in Higher Education. It was decided not to

study research universities, such as Yeshiva, because of their size. There might be so much variety in faculty authority within such a university that the perceptions of individual faculty members might not be accurate. Liberal Arts I colleges were chosen because previous research showed that these colleges had the greatest amount of faculty authority. The same research demonstrated much less faculty authority in Liberal Arts II colleges, so they were studied as a contrast (Baldridge et al., 1978). It was also postulated that perceptions of faculty authority would vary depending upon the position of the observer. Thus, two subquestions were propounded.

1) Does faculty authority vary between Liberal Arts I and Liberal Arts II colleges?
2) Does the perception of faculty authority vary depending upon the position the observer holds?

Survey Design

The survey was designed to determine whether faculty members performed those functions which the Supreme Court said made them managers, and whether there were differences between Liberal Arts I and Liberal Arts II colleges. These factors dictated the sample of institutions chosen, and the questions which formed the survey.

Sample of Colleges and Individuals

The colleges were equally divided between Liberal Arts I and Liberal Arts II colleges; seventy-five of each. They were chosen at random from the Carnegie Council on Policy Studies in Education's 1976 Classification of Institutions of Higher Education. The researcher examined the most recent college catalogues of these institutions, and recorded the names of the Chairman of the Board of Trustees (or similar governing body), the President, and the Academic Vice-President or Academic Dean. The titles of the Deans varied, some being called the Dean of the College or Dean of the Faculty; the person chosen was the chief academic officer as reflected in the college's organization chart. If there were both an Academic Vice-President and an Academic or Liberal Arts Dean, both were recorded. Additionally, three department chairmen were chosen. They were often the chairmen of the chemistry, economics and English departments, but this varied depending upon the organization of the college.

Survey Instrument

The survey instrument (Appendix A) was based upon the 1969-1970 study conducted by the Committee T of the American Association of University Professors (American Association of University Professors, 1971). The scale

used by Committee T was used in full. It is a five-point ordinal scale, with categories of "determination," "joint action," "consultation," "discussion" and "none." Definitions for these categories were given in the survey instrument. Briefly, however, they were defined as follows: "Determination" means that faculty effectively make the decision; "joint action" means that administration and faculty must concur for the decision to be made; "consultation" means that there is a formal mechanism designed to elicit faculty opinion; "discussion" means that faculty informally express their opinion; and "none" means that faculty are not involved in the decision.

Respondents were asked what the extent of faculty authority at their college was, as measured by 18 variables, using the five-point scale.

The variables were chosen primarily from the Yeshiva case itself. The researcher chose those areas which the Supreme Court felt were important in the determination of whether faculty members were managers. These areas were: curriculum, grading system, admission and matriculation standards, course schedules, degree requirements, faculty appointments, academic calendars, faculty promotions, faculty sabbaticals, teaching loads, student expulsion policies, tuition levels, and faculty salaries. In addition, the researcher added the vari-

ables of program closures, program initiation, college budgets and department budgets. It was thought that these were variables which should be considered, as they are important to the "management" of any college.

Administration of Survey

The 955 surveys were mailed out during the first weekend in March, 1983. The survey contained a cover letter explaining the purpose of the survey, signed by the researcher and a colleague. Both colleges and individuals were promised confidentiality. The respondents were offered a summary of the results if they wished. Included was a postage paid envelope, returnable to the School of Education at the University of Michigan. One college included in the study had closed; a new college in the same category was chosen at random and surveys sent out the following week.

Two hundred and ninety-five surveys were returned; two hundred and ninety were useable. This was a response rate of 30 percent. Subsequently, a follow-up survey was mailed to the non-respondents. In addition to the information originally mailed was a letter signed by the researcher and colleague (Appendix B). One hundred ninety responses were received, of which one hundred eighty-eight were useable. Together, the

researcher received four hundred seventy-eight useable returns, a response rate of 50 percent.

The surveys were assigned a random number so that the researcher could ascertain who had filled it out. When the survey was received, a four-digit college identifying number was entered onto the survey, with a position code indicating which position the individual held at the college. The confidentiality of both individuals and colleges has been protected.

The 478 replies were distributed as follows:

TABLE 1

NUMBER AND POSITIONS OF RESPONDENTS

Position	Total Number of Respondents	Percentage by Position
Chairmen of the Board	36	24.0
Presidents	66	44.0
Chief Academic Officers	100	66.7
Deans	18	32.7
Department Chairmen	258	57.3

The groups were distributed as a percentage of respondents as follows:

TABLE 2

NUMBER AND POSITIONS OF SAMPLE

Position	Total	Percentage of Respondents
Chairmen of the Board	36	7.5
Presidents	66	13.8
Chief Academic Officers	100	20.9
Deans	18	3.8
Department Chairmen	258	54.0

Respondents were also classified depending upon whether their college was a Liberal Arts I or Liberal Arts II. There were 261 (54.6%) responses from Liberal Arts I colleges and 217 (45.4%) from Liberal Arts II colleges.

Statistics Used to Analyze Survey

Perceptions of Faculty Authority. This section describes only the statistics used, and why. The findings and the significance of the findings are discussed in later chapters.

Statistics were run first on the section of the survey requesting information of perceptions of faculty authority. Of interest was both the mean score on faculty authority for each variable, and whether the score was different depending upon the position the in-

dividual held at the college, and whether the college was Liberal Arts I or Liberal Arts II.

Univariate statistics were run for each variable which revealed differences among variables. Bivariate statistics were run with each variable and position and each variable and Carnegie classification, and differences were again revealed. This suggested the further analyses described below.

A multivariate analysis of variance was run with both position and Carnegie classification to determine whether there was an interaction effect. At the .05 level of significance, there was interaction on only one variable. Two one-way analyses of variance were run using: 1) the faculty authority variables and position; and, 2) the faculty authority variables and Carnegie classification. Both indicated significant differences on some of the faculty authority variables.

Because the position of the respondent was significant in some cases, pairwise analysis of variance was run. This was done to try to ascertain whether certain positions always agreed or disagreed with each other in their perceptions of faculty authority.

Internal Consistency

A correlation was done on the eighteen faculty authority variables to determine the internal consisten-

cy of the responses (Appendix C). There was an extremely high degree of correlation among the variables. Only one correlation was not significant at the .05 level, and that occurred when a budget variable was correlated with a curriculum variable, tuition and grading system. The highest correlation was found between program initiation and program closure (.6081) and the next highest between faculty sabbaticals and faculty promotions (.5749). It can be concluded, therefore, that the responses are internally consistent and reliable.

Survey Results

The individuals surveyed were Board Chairmen, Presidents, Chief Academic Officers, Deans and Department Chairmen. The initial discussion concerns both Liberal Arts I and Liberal Arts II colleges. Means were calculated on the management variables to determine how much authority faculty were perceived to have. The lower a score an item has, the more authority the faculty were perceived to have.

The overall means for the management variables were calculated (Table 3). The results vary, from a high for faculty authority of 1.189 on curriculum to a low of 4.158 on tuition levels (Graph 1). Three variables: curriculum, grading system, and degree requirements are in the "determination" category, with a fourth, course

schedules, between "determination" and "joint action." The low standard deviations in these variables indicate a great deal of agreement.

Five of the variables are between 2.0 and 2.5, closer to "joint action" than any other category. These are: admission and matriculation standards, faculty appointment, college calendar, faculty promotions and faculty sabbaticals. The standard deviations in these variables are higher, indicating less agreement. Three of these five are faculty personnel items; interestingly, the fourth faculty personnel variable, faculty salary, does not appear in this category.

Four variables fall between the 2.5 and 3.0 range; that is, they are closer to "consultation" than anything else, between "consultation" and "joint action." These variables are: teaching loads, student expulsion policies, program closure and department budgets.

The remaining four variables score higher than 3.0, indicating little or no faculty authority. These variables are: tuition levels, enrollment levels, faculty salaries and college budgets. These variables all deal, directly or indirectly, with financial matters. It is interesting that enrollment levels and faculty salaries are considered to be budgetary matters, and not curricular or faculty personnel matters. This is borne out by the correlations (Appendix C), which show enrollment

TABLE 3

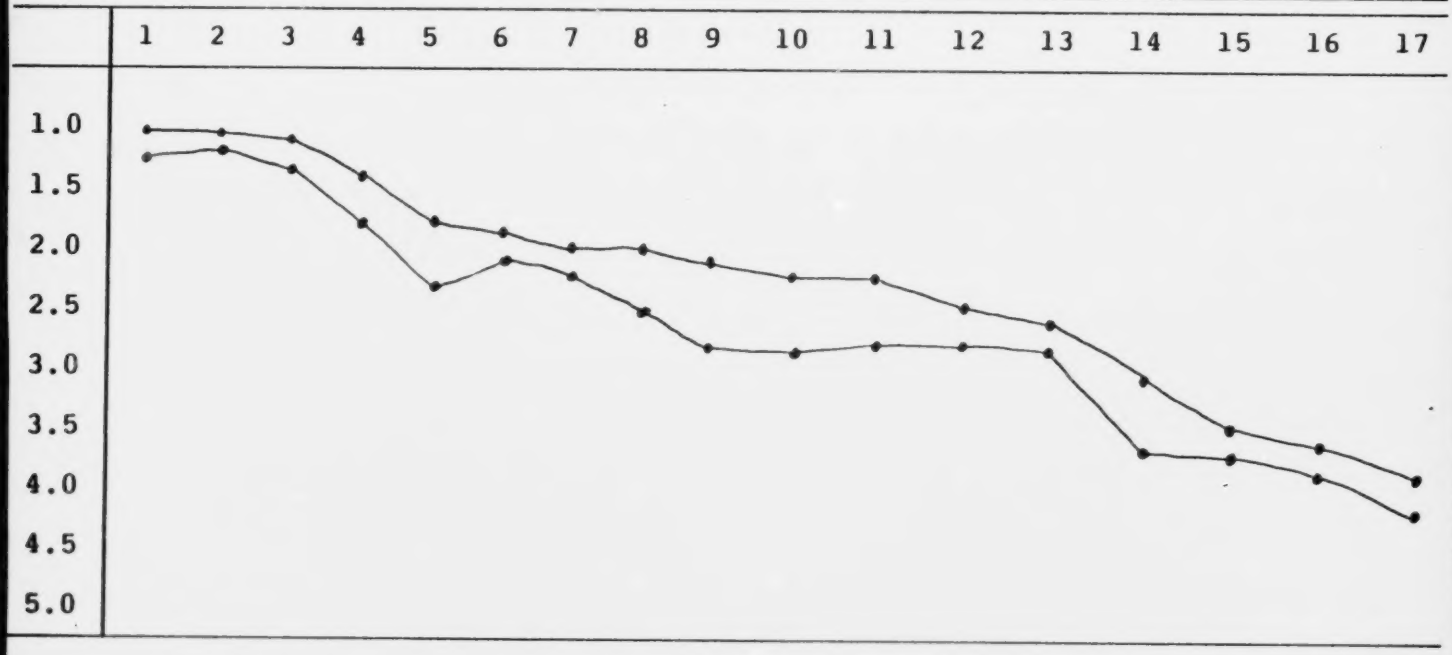
MEAN SCORES AND STANDARD DEVIATIONS
FOR FACULTY AUTHORITY VARIABLES--
LIBERAL ARTS I AND LIBERAL ARTS II COLLEGES

Faculty Authority Variable	Mean*	Standard Deviation
Curriculum	1.18	.447
Grading System	1.20	.567
Degree Requirements	1.27	.542
Course Schedules	1.60	.771
Admission and Matriculation Stds.	2.05	1.097
Faculty Appointments	2.09	.648
Program Initiation	2.10	.822
Faculty Promotions	2.28	.770
Faculty Sabbaticals	2.47	1.051
College Calendar	2.50	1.122
Student Expulsion Policies	2.58	1.076
Teaching Loads	2.60	1.126
Program Closure	2.66	1.058
Department Budgets	2.72	.946
Faculty Salaries	3.49	1.025
College Budgets	3.61	1.002
Enrollment Levels	3.70	1.025
Tuition Levels	4.15	.902

*In this table and Tables 4 to 7, means refer to the following scale:
1=Determination
2=Joint Action
3=Consultation
4=Discussion
5=None

GRAPH 1

MEAN SCORES OF FACULTY AUTHORITY VARIABLES FOR LIBERAL ARTS I AND LIBERAL ARTS II COLLEGES



Solid line = Liberal Arts I Colleges
Dotted line = Liberal Arts II Colleges

GRAPH 1 (continued)

The following numerical codes refer to the graph categories above.

Variable	Variable No.
Grading System	1
Curriculum	2
Degree Requirements	3
Course Schedules	4
Faculty Appointments	5
Admission/Matriculation Stds.	6
Program Initiation	7
Faculty Promotions	8
Faculty Sabbaticals	9
Teaching Loads	10
Student Expulsion Policies	11
Program Closure	12
Department Budget	13
Faculty Salaries	14
College Budget	15
Enrollment Levels	16
Tuition Levels	17

levels more highly correlated with tuition levels than any other variable (.5338). Faculty salaries correlate most highly with faculty sabbaticals, but the second highest correlation is with departmental budget (.3737).

As stated previously, the researcher added four variables to the Yeshiva list of factors: program closure, program initiation, department budgets, and college budgets. Those variables, as a rule, showed less faculty authority than the Yeshiva factors. None of them fell in the "determination" category; only one fell in the "joint action" category. Two were between "joint action" and "consultation," and one was closer to "discussion" than anything else.

The range of faculty authority varies greatly depending upon the issue. Faculty have extensive authority over curriculum matters, considerable authority over faculty personnel matters, and limited to no authority over budget matters. It is not possible to generalize about all liberal arts colleges from these results. It does appear, however, that many of the faculty could be considered managers using the Supreme Court's criteria. The scores show strong faculty authority in many areas, and the standard deviations are relatively small in the curriculum area. The areas in which the faculty have the least authority are those added by the researcher, such as budgets.

Although as a rule faculty authority is strong, it is certainly not determinative in all areas. It is strongest in the curriculum area, which is most clearly identified as within the professional competence of the faculty. It is somewhat less strong in faculty personnel issues, which are more unambiguously managerial than curriculum. While some faculty members show strong managerial authority, many do not, and any such determination needs to be done on a case-by-base basis.

Faculty Authority by Liberal Arts I and Liberal Arts II Colleges

Additional analyses were performed to determine whether the mean score on the faculty authority items differed significantly depending upon the Carnegie classification of the college. Analysis of variance was performed to determine the means for each item, and whether the means varied significantly for the two types of colleges.

Means and standard deviations are given for Liberal Arts I and Liberal Arts II colleges in Tables 4 and 5. The first section will discuss authority at Liberal Arts I colleges and the second at Liberal Arts II colleges. Table 6 and a subsequent section look at the differences between the two types.

TABLE 4

MEAN SCORES AND STANDARD DEVIATIONS

FOR FACULTY AUTHORITY VARIABLES--

LIBERAL ARTS I COLLEGES

Faculty Authority Variable	Mean	Standard Deviation
Grading System	1.10	.359
Curriculum	1.14	.361
Degree Requirements	1.19	.435
Course Schedules	1.45	.703
Faculty Appointments	1.94	.596
Admission and Matriculation Stds.	1.99	1.063
Program Initiation	2.06	.863
Faculty Promotions	2.11	.664
Faculty Sabbaticals	2.21	.935
Teaching Loads	2.44	1.079
Student Expulsion Policies	2.44	1.035
Program Closure	2.59	1.056
Department Budget	2.70	.939
Faculty Salaries	3.34	1.039
College Budget	3.51	.096
Enrollment Levels	3.62	1.115
Tuition Levels	4.11	.898

Liberal Arts I Colleges

The mean scores on the faculty authority variables indicate high faculty authority. Six of them are lower than 2.0, indicating more authority than "joint action." These variables are: curriculum, grading system, admission and matriculation standards, course schedules, degree requirements and faculty appointments. All of these matters can be considered an academic matter.

Another five of the Yeshiva variables fall between 2.0 and 2.5, putting them closer to "joint action" than any other category. These variables are: college calendar, faculty promotions, faculty sabbaticals, teaching loads and student expulsion policies. These variables cannot easily be characterized as belonging to a specific group. The standard deviations in the first group are very low, indicating higher agreement.

For three of the variables, the scores range from "consultation" to "discussion"; they are faculty salaries, enrollment levels and tuition levels. Faculty have virtually no authority in these areas.

Of the four variables added by the researcher, only one, program initiation, is a "joint action" variable. It is the closest to a curriculum matter of any of the four. The remaining variables fall into the "consultation" range; they are program closure, department budget and college budget. Again, the researcher-added vari-

ables show less faculty authority than the Yeshiva variables.

Faculty at Liberal Arts I colleges show extensive authority in the managerial areas. Almost all of their scores fall within the determination and joint consultation range. Although they are weak in the budget areas, they are virtually unchallenged in the curriculum areas, and very strong in the faculty personnel areas. While there will certainly be exceptions with individual colleges, faculty at Liberal Arts I colleges are more likely than not to be considered managers as defined by the Yeshiva court.

Liberal Arts II Colleges

The mean scores and standard deviations for the Liberal Arts II colleges are given in Table 5. They present a different picture from the Liberal Arts I colleges.

Four of the variables have a score lower than 2.0, indicating more authority than "joint action." Those variables are: curriculum, grading system, course schedules and degree requirements, all of them academic variables, with the possible exception of course schedules.

Three more variables fall within the 2.0 to 2.5 range: admission and matriculation standards, faculty

TABLE 5

MEAN SCORES AND STANDARD DEVIATIONS

FOR FACULTY AUTHORITY VARIABLES--

LIBERAL ARTS II COLLEGES

Faculty Authority Variable	Mean	Standard Deviation
Curriculum	1.24	.527
Grading System	1.32	.726
Degree Requirements	1.37	.635
Course Schedules	1.78	.811
Admission and Matriculation Stds.	2.12	1.13
Program Initiation	2.16	.770
Faculty Appointments	2.27	.664
Faculty Promotions	2.47	.839
College Calendar	2.71	1.187
Department Budgets	2.73	.957
Student Expulsion Policies	2.73	1.103
Program Closures	2.74	1.058
Faculty Sabbaticals	2.80	1.10
Teaching Loads	2.80	1.15
Faculty Salaries	3.67	.978
College Budget	3.74	1.035
Enrollment Levels	3.79	1.090
Tuition Levels	4.20	.907

appointments and faculty promotions. One is an academic, while the other two are faculty personnel variables.

Four variables, college calendar, faculty sabbaticals, teaching loads and faculty sabbaticals, are in the "consultation" range. These variables cannot easily be categorized.

Three of the variables fall into the "discussion" range: tuition levels, enrollment levels and faculty salaries. These are all budget matters.

Of the variables added by the researcher, only one, program initiation, is in the "joint action" range, and that is an academic variable. Two variables, program closure and department budgets, are in the "consultation" range while one variable, college budgets, falls in the "discussion" range. The last three are budget variables. Clearly, faculty at Liberal Arts II colleges do not have much authority over budget matters.

These faculty members tend not to have managerial authority as defined by the Yeshiva court. This is confirmed by the researcher-added variables. The determination of whether a faculty member is a manager is more complex than assigning faculty authority items to categories and adding them up, however. The picture of managerial authority is as important as individual scores. The important points are that Liberal Arts I

faculty have more authority than Liberal Arts II faculty, and that there are variations among colleges within a type.

Differences between Liberal Arts I and Liberal Arts II Colleges

Because there were differences in the mean scores between Liberal Arts I and Liberal Arts II colleges, analysis of variance was run to see which variables showed a significant difference. The level of significance was set at .05. Table 6 displays the variables where there were significant differences.

Liberal Arts I and II colleges differed on 11 of the 14 Yeshiva variables. The differences in faculty authority are not the result of a few isolated variables, but pervade the managerial functions. The variables on which there are no significant differences are admissions and matriculation standards, enrollment levels and tuition levels. The latter two variables are budget variables, areas in which faculty do not have much authority.

Of the researcher-added variables, there was a significant difference in only one variable, college budget. Although the means show little faculty authority in that area, faculty at Liberal Arts I institutions apparently have more authority than faculty at Liberal Arts II colleges.

TABLE 6

VARIABLES ON WHICH LIBERAL ARTS I AND LIBERAL ARTS II COLLEGES DIFFERED SIGNIFICANTLY

Faculty Authority Variable	Liberal Arts I Mean	Liberal Arts II Mean	F-statistic	Significance
Curriculum	1.14	1.24	6.135	0.01
Grading System	1.10	1.32	19.704	0.00
Course Schedules	1.45	1.78	22.009	0.00
Degree Requirements	1.19	1.37	12.737	0.00
Faculty Appointments	1.94	2.27	31.109	0.00
College Calendar	2.33	2.71	13.959	0.00
Faculty Promotions	2.11	2.47	27.469	0.00
Faculty Sabbaticals	2.21	2.80	37.491	0.00
Teaching Loads	2.44	2.80	12.448	0.00
Student Expulsion Policies	2.44	2.73	8.653	0.00
College Budget	3.51	3.70	6.071	0.00
Faculty Salaries	3.34	3.67	13.131	0.00

A significance of 0.05 means that the chance of obtaining the measured association as a result of sampling error is 5 in 100.

It is noteworthy that in every variable where the difference was significant, faculty at Liberal Arts I colleges always had more authority than faculty at Liberal Arts II colleges. There are no instances of Liberal Arts II faculty having more authority than Liberal Arts I faculty.

Perceptions of Faculty Authority by Position

It was postulated that perceptions of faculty authority might vary depending upon the position in the college the observer held. Specifically, it was suggested that faculty might perceive that they had a great deal of authority because the administration and trustees upheld their recommendations, when in fact they agreed with the decisions and were not ratifying them as a faculty right. If the faculty stated that they had authority, but the administration and trustees said that they did not, it would cast doubt on faculty authority, regardless of what the mean score suggested.

Analysis of variance was run on the faculty authority variables with the position of the respondent as the independent variable. The level of significance was .05. Table 7 contains the variables with significant difference on the position variable, with the means for each group.

TABLE 7

FACULTY AUTHORITY VARIABLES ON WHICH RESPONDENTS

OF DIFFERENT POSITIONS DIFFERED SIGNIFICANTLY

	Crs Schd	Coll Cal	Fcty Sabb	Stu Exp Pol	Tuit Lev	Prog Clos	Prog Init	Coll Budg	Fcty Sal	Tch Lds	N
Chairmen	1.618	2.111	2.343	2.471	3.943	2.559	2.057	3.457	3.118	2.057	36
Presidents	1.891	2.076	2.270	2.477	3.985	2.393	2.015	3.470	3.375	2.333	66
Chief Academic Officers	1.694	2.470	2.309	2.354	3.919	2.495	1.888	3.424	3.263	2.551	100
Deans	1.778	1.889	2.118	2.118	3.833	2.529	2.056	3.722	3.167	2.389	18
Department Chairmen	1.488	2.733	2.634	2.744	4.348	2.832	2.228	3.740	3.688	2.791	258
Grand Mean	1.607	2.507	2.475	2.581	4.158	2.667	2.108	3.616	3.495	2.607	
F-statistic	4.326	7.990	3.295	3.651	6.541	3.336	3.454	2.556	5.572	5.166	
Significance	0.00	0.00	0.01	0.01	0.00	0.01	0.01	0.04	0.00	0.00	

For most of the variables, department chairmen think that faculty have less authority than the other groups perceive them as having. The exceptions are course schedules and faculty appointments. Presidents and chief academic officers perceive that faculty have less authority in these areas than faculty do, but interestingly, chairmen of the boards of trustees agree with faculty. Faculty members perceive of themselves as having more authority over course schedules than the other groups see them as having.

In the remaining seven Yeshiva variables, faculty see themselves as having less authority than the other groups see them as having. This might be because faculty members tend to remember the times they were overruled, while administrators tend to remember the times when faculty prevented them from doing something they wanted to do, or made them do something they did not want to do. Both groups may be exercising selective memory, remembering primarily the battles they lost.

Because there were differences in perception on faculty authority depending upon position, pairwise analysis of variance was run to see whether there were any consistencies. That is, did some groups always agree or disagree with other groups?

The pairwise analysis yielded thirty-one cases with significant differences in perception. Twenty-eight of

these were department chairmen disagreements with other groups: four disagreements with chairmen of the board of trustees, ten disagreements with presidents, nine with chief academic officers, and five with deans. It appears as if the faculty and trustees are agreed on the extent of faculty authority, while the faculty and presidents, chief academic officers and deans are very much in disagreement. There are significant disagreements between faculty and administrators on half of the variables.

The remaining three significant differences were between chief academic officers and others: one each with board chairs, presidents and deans. With twelve total significant disagreements, chief academic officers are second only to faculty in total number of differences in perception.

Several groups were always in agreement on their perception of faculty authority. Board chairmen had no significant differences with presidents or deans, and presidents and deans had no significant differences with each other. With an N of only 18, the data on deans should be viewed with caution, but it is interesting that in all cases Board chairmen and presidents agreed on their perceptions of faculty power.

Of the twenty-eight disagreements, faculty perceived themselves as having less authority than others

perceived on twenty-six. Faculty perceived that they had more authority on course schedules than either presidents or chief academic officers. The faculty perceived less authority on college calendars (4), faculty promotions (1), faculty sabbaticals (3), teaching loads (2), student expulsion policies (2), tuition levels (4), program closure (2), program initiation (2), college budget (2), and faculty salaries (4).

Conclusion

The purpose of the research was to test the validity of the Supreme Court's Yeshiva decision by ascertaining whether faculty members in fact performed those functions which the Supreme Court said made them managers. The variables chosen were the ones used by the Court in its decision.

The research confirms the validity of the decision. The legal standard for determining whether an individual is a manager is that s/he makes or effectively recommends policy in certain areas. The results, clustering in the "determination," "joint action," and "consultation" areas, show that faculty members do make or effectively recommend policy in those areas. These results appear, not on a few variables, but on eleven of the fourteen areas cited by the Yeshiva court. Thus, it can

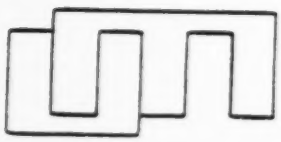
be stated that it is appropriate in some cases to hold that faculty members are managers.

The second major survey result is the finding that perceptions of faculty authority vary between Liberal Arts I and Liberal Arts II colleges. This means that the National Labor Relations Board and the courts should not assume faculty authority, or the lack of it, at any given college. An investigation needs to be done on the extent of faculty authority at each institution. There is no substitute for the case-by-case method of determination.

Finally, the perceptions of faculty authority differ among the groups surveyed. By and large, faculty members perceive that they have less authority than other groups perceive them as having. This research was not designed to investigate why that is so, and whose perception is more accurate. Both subjects would be suitable for further research.

APPENDICES

APPENDIX A
SURVEY OF FACULTY PARTICIPATION IN GOVERNANCE



THE UNIVERSITY OF MICHIGAN
CENTER FOR THE STUDY OF HIGHER EDUCATION
2007 School of Education
610 E. University
Ann Arbor, Michigan 48109

Dear Colleague;

We are studying faculty participation in academic decision-making in light of recent court decisions on the role of faculty as managers or employees. As a part of that study, we are conducting a survey of faculty participation in academic decision-making at a national sample of liberal arts colleges. We are surveying both administrators and faculty members to determine whether there are differences in responses, so that each response is important. We are interested in learning what the pattern of actual decision-making at your college is, and not necessarily the legal authority.

The survey should only take 10-15 minutes to fill out, and consists of one page of definitions and two pages of questionnaire. While your participation is obviously voluntary, we would very much appreciate your response. If you wish a summary of the results, please indicate below.

The confidentiality of all colleges and survey participants will be protected; neither colleges nor individuals will be identified in reporting the results. We appreciate the time you will spend on this survey, and the contribution to the study of higher education you will be making.

Yours sincerely;

James L. Miller, Jr., Ph.D.
Professor of Higher Education

Nancy S. Nash
Researcher

I wish to receive a copy of the results ☐ **Yes** ☐ **No**

SURVEY INSTRUCTIONS

Please indicate the level of faculty participation in decision-making at your institution for each of the areas listed by placing an "X" in the appropriate column. The form of participation currently practiced most often at your college should be selected. This study is aimed at eliciting the **actual decision-making process, and not necessarily the legal authority.**

In order to draw conclusions from the study, it is important that respondents use terms in the same manner. Therefore, please use the definitions provided below, even if they differ from your normal usage.

FACULTY PARTICIPATION BY LEVELS

DETERMINATION...

is when de facto decision-making for a particular policy or action rests with the faculty. The faculty is almost never overruled. (If the decision is made by a joint committee, the faculty comprise at least 75% of the committee, or a plurality if more than two groups are represented.)

JOINT ACTION...

is when agreement by both the faculty and administration is the standard method of action or policy determination. Faculty will prevails a substantial amount of time. (If the decision is made by joint committee, the faculty comprise at least 50% of the committee, or 30% if more than two groups are represented.)

CONSULTATION...

is when a formal procedure or established practice provides for the presentation of faculty judgment prior to the final decision. Faculty are represented on formal committees, or its judgment is solicited. The test is whether the faculty is consulted, not whether its judgment is followed.

DISCUSSION...

is when there is an informal expression of opinion from the faculty or from individual faculty members. Administrators have no obligation to solicit faculty views, but welcome informal discussion.

NONE...

is when there is no faculty participation.

	Determination	Joint Action	Consultation	Discussion	None
1. CURRICULUM Present course offerings and procedure to revise offerings					
2. GRADING SYSTEM					
3. ADMISSION AND MATRICULATION STANDARDS Within your department					
4. COURSE SCHEDULES Within your department					
5. DEGREE REQUIREMENTS Within your department					
6. FACULTY APPOINTMENTS Within your department					
7. ACADEMIC CALENDERS					
8. FACULTY PROMOTIONS Within your department					
9. FACULTY SABBATICALS Within your department					
10. TEACHING LOADS Teaching hours per week, not student-teacher ratios					
11. STUDENT EXPULSION POLICIES					
12. TUITION LEVELS					
13. ENROLLMENT LEVELS					
14. PROGRAM CLOSURES					
15. PROGRAM INITIATION					
16. BUDGETS Within your department					
17. BUDGETS College-wide					
18. FACULTY SALARIES Within your department					

19. Please indicate with an "X" whether the following faculty members are eligible to sit on the following College-wide committees.

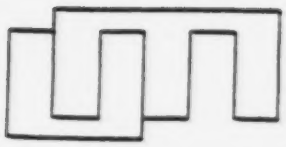
Faculty	Faculty Personnel	Admissions	Budget	Curriculum
TENURED FACULTY	_____	_____	_____	_____
NON-TENURED FACULTY	_____	_____	_____	_____
FACULTY ON FIXED-TERM CONTRACTS	_____	_____	_____	_____
PART-TIME FACULTY	_____	_____	_____	_____
FULL PROFESSORS	_____	_____	_____	_____
ASSOCIATE PROFESSORS	_____	_____	_____	_____
ASSISTANT PROFESSORS	_____	_____	_____	_____
LECTURERS	_____	_____	_____	_____
NO COMMITTEE	_____	_____	_____	_____

Please indicate with an "X" whether the following faculty members are eligible to sit on the following committees in units which are less than College-wide, e.g., departments, divisions.

Faculty	Faculty Personnel	Admissions	Budget	Curriculum
TENURED FACULTY	_____	_____	_____	_____
NON-TENURED FACULTY	_____	_____	_____	_____
FACULTY ON FIXED-TERM CONTRACTS	_____	_____	_____	_____
PART-TIME FACULTY	_____	_____	_____	_____
FULL PROFESSORS	_____	_____	_____	_____
ASSOCIATE PROFESSORS	_____	_____	_____	_____
ASSISTANT PROFESSORS	_____	_____	_____	_____
LECTURERS	_____	_____	_____	_____
NO COMMITTEE	_____	_____	_____	_____

Thank you for your participation. Please return this survey in the enclosed, postage-paid envelope.

APPENDIX B
SURVEY FOLLOW-UP LETTER



THE UNIVERSITY OF MICHIGAN
CENTER FOR THE STUDY OF HIGHER EDUCATION
School of Education
Corner East and South University Avenues
Ann Arbor, Michigan 48109

Dear Colleague:

We have not yet received the survey form that we sent to you several weeks ago. The response rate has been very good, but because this is a sample survey, every response is important. Therefore, we hope that you will take the time--approximately 15 minutes--to complete the duplicate form which is enclosed. If you have already responded to us and your survey has crossed this letter in the mail, we wish to thank you for your cooperation.

A summary of our results will be sent to those individuals who would like to receive it. If you do, check the box on the front of the survey form. As noted on the cover sheet, no person or institution will be identified in reporting the study. We thank you for your participation.

Yours sincerely,

James L. Miller, Jr., Ph.D.
Professor of Higher Education

Nancy S. Nash
Researcher

APPENDIX C

CORRELATION TABLE OF FACULTY AUTHORITY VARIABLES

Var	Curr	Gde	Adm	Cse	Deg	Fcaps	Cal
Curr	1.0000						
Gde	.4794	1.0000					
Adm	.2135	.1488	1.0000				
Cse	.2682	.2464	.1267	1.0000			
Deg	.5432	.3721	.1152	.2742	1.0000		
Fcaps	.2411	.2051	.1713	.3471	.2614	1.0000	
Cal	.3161	.2822	.2109	.2334	.2338	.2662	1.0000
Fcprs	.2581	.1890	.1724	.3265	.2151	.5427	.3014
Fcsb	.2879	.1737	.2041	.3325	.2033	.4594	.3192
Lds	.2410	.1975	.2078	.2075	.1043	.3170	.3117
Stus	.2318	.2258	.2496	.2082	.1846	.2409	.3182
Tuit	.0785	.0299	.1594	.1285	.0800	.1768	.3423
Enr	.1069	.0846	.1752	.1478	.1296	.1953	.1727
Clos	.2087	.1284	.1505	.1644	.2080	.3607	.2160
Init	.2197	.1295	.1742	.0995	.1928	.3146	.1909
Dtbd	.1830	.1217	.1752	.2109	.1581	.3407	.1615
Clbd	.2043	.1425	.1595	.1833	.1224	.2444	.3568
Fcsl	.1527	.0609	.1628	.1601	.1139	.2737	.2438

APPENDIX C (continued)

Var	Fcprs	Fcsb	Lds	Stus	Tuit	Enr
Curr						
Gde						
Adm						
Cse						
Deg						
Fcaps						
Cal						
Fcprs	1.0000					
Fcsb	.5749	1.0000				
Lds	.3840	.3705	1.0000			
Stus	.2674	.2894	.3163	1.0000		
Tuit	.2754	.2557	.2722	.2382	1.0000	
Enr	.3007	.2045	.2640	.1594	.5338	1.0000
Clos	.3201	.3086	.3271	.2358	.2511	.3405
Init	.3430	.2752	.3169	.2041	.2336	.3038
Dpbd	.3116	.2918	.3550	.1734	.1769	.2215
Clbd	.2980	.2819	.3182	.2579	.5623	.3246
Fcsl	.3465	.3830	.3363	.2614	.2861	.2094

APPENDIX C (continued)

Var	Clos	Init	Dpbd	Clbd	Fcsl
Curr					
Gde					
Adm					
Cse					
Deg					
Fcaps					
Cal					
Fcprs					
Fcsb					
Lds					
Stus					
Tuit					
Enr					
Clos	1.0000				
Init	.6081	1.0000			
Dtbd	.3068	.2824	1.0000		
Clbd	.2486	.1769	.4115	1.0000	
Fcsl	.2634	.2363	.3737	.3292	1.0000

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BIBLIOGRAPHY

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